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EXAMINER	
LIU, SAMUEL W	

ART UNIT	PAPER NUMBER
1653	21

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/685,010	TURLEY ET AL.	
	Examiner	Art Unit	
	Samuel W Liu	1653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 December 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36 and 38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-36 and 38* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

This Office Action is in response to the election filed 11 December 2002. The election of Group I is acknowledged. However, upon attempting to search this Group, it was found that it would require further restriction in light of a serious burden to the examiner to search alllseven different agents in a single claim, e.g., claim 1, ranging from polypeptides, to antibodies, to nucleic acids, and partially applicants' amendment filed 11 December 2002 (Paper No. 19), in which applicants state amendment of Claims 1-4, 7-8, 10 and 21 and addition of new claim 38. Therefore, the previous restriction is being withdrawn and a new restriction to one of the following inventions is required under 35 U.S.C. 121:

SET 1:

1. Claim 1, drawn to method of treating inflammatory disorder with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

2. Claim 1, drawn to method of treating inflammatory disorder with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

3. Claim 1, drawn to method of treating inflammatory disorder with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

4. Claim 1, drawn to method of treating inflammatory disorder with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

5. Claim 1, drawn to method of treating inflammatory disorder with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

6. Claim 1, drawn to method of treating inflammatory disorder with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

7. Claim 1, drawn to method of treating inflammatory disorder with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 2.

8. Claims 1-3, drawn to method of treating neurological disorder with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

9. Claims 1-3, drawn to method of treating neurological inflammatory disorder with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

10. Claims 1-3, drawn to method of treating neurological disorder with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

11. Claims 1-3, drawn to method of treating neurological disorder with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

12 Claims 1-3 drawn to method of treating neurological disorder with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

13. Claims 1-3, drawn to method of treating neurological disorder with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

14. Claims 1-3, drawn to method of treating neurological disorder with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 3.

15 Claims 4-6, drawn to method of treating arthritis with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

16. Claims 4-6, drawn to method of treating arthritis with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

17. Claims 4-6, drawn to method of treating arthritis with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

18. Claims 4-6, drawn to method of treating arthritis with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

19. Claims 4-6, drawn to method of treating arthritis with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

20. Claims 4-6, drawn to method of treating arthritis with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

21. Claims 4-6, drawn to method of treating arthritis with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 4.

22. Claim 7, drawn to method of treating multiple sclerosis with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

23. Claim 7, drawn to method of treating multiple sclerosis with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

24. Claim 7, drawn to method of treating multiple sclerosis with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

25. Claim 7, drawn to method of treating multiple sclerosis with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

26. Claim 7, drawn to method of treating multiple sclerosis with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

27. Claim 7, drawn to method of treating multiple sclerosis with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

28. Claim 7, drawn to method of treating multiple sclerosis with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 5.

29. Claims 8-9, drawn to method of treating inflammatory dermatosis with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

30. Claims 8-9, drawn to method of arthritis inflammatory dermatosis with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

31. Claims 8-9, drawn to method of treating inflammatory dermatosis with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

32. Claims 8-9, drawn to method of inflammatory dermatosis with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

33. Claims 8-9, drawn to method of treating inflammatory dermatosis with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

34. Claims 8-9, drawn to method of inflammatory dermatosis with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

35. Claims 8-9, drawn to method of inflammatory dermatosis with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 6.

36. Claim 10, drawn to method of treating inflammatory bowel disease with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

37. Claims 8-9, drawn to method of treating inflammatory bowel disease with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

38. Claims 8-9, drawn to method of treating inflammatory bowel disease with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

39. Claims 8-9, drawn to method of treating bowel disease dermatosis with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

40. Claims 8-9, drawn to method of treating inflammatory bowel disease with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

41. Claims 8-9, drawn to method of treating inflammatory bowel disease with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

42. Claims 8-9, drawn to method of treating inflammatory bowel disease with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 7.

43. Claims 10-14, drawn to method of treating wounds with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

44. Claims 10-14, drawn to method of treating wounds with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

45. Claims 10-14, drawn to method of treating wounds with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

46. Claims 10-14, drawn to method of treating wounds with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

47. Claims 10-14, drawn to method of treating wounds with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

48. Claims 10-14, drawn to method of treating wounds with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

49. Claims 10-14, drawn to method of treating wounds with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 8.

50. Claims 15-18, drawn to method of treating stenosis or restenosis with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

51. Claims 15-18, drawn to method of treating stenosis or restenosis with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

52. Claims 15-18, drawn to method of treating stenosis or restenosis with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

53. Claims 15-18, drawn to method of treating stenosis or restenosis with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

54. Claims 15-18, drawn to method of treating stenosis or restenosis with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

55. Claims 15-18, drawn to method of treating stenosis or restenosis with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

56. Claims 15-18, drawn to method of treating stenosis or restenosis with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 9.

57. Claim 19, drawn to method of treating cancer with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

58. Claim 19, drawn to method of treating cancer with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

59. Claim 19, drawn to method of treating cancer with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

60. Claim 19, drawn to method of treating cancer with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

61. Claim 19, drawn to method of treating cancer with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

62. Claim 19, drawn to method of treating cancer with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

63. Claim 19, drawn to method of treating cancer with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 10.

64. Claim 20, drawn to method of treating kidney fibrosis with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

65. Claim 20, drawn to method of treating kidney fibrosis with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

66. Claim 20, drawn to method of treating kidney fibrosis with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

67. Claim 20, drawn to method of treating kidney fibrosis with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

68. Claim 20, drawn to method of treating kidney fibrosis with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

69. Claim 20, drawn to method of treating kidney fibrosis with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

70. Claim 20, drawn to method of treating kidney fibrosis with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 11.

71. Claims 21-24, drawn to method of treating inflammatory lung disease with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

72. Claims 21-24, drawn to method of treating inflammatory lung disease with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

73. Claims 21-24, drawn to method of treating inflammatory lung disease with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

74. Claims 21-24, drawn to method of treating inflammatory lung disease with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

75. Claims 21-24, drawn to method of treating inflammatory lung disease with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

76. Claims 21-24, drawn to method of treating inflammatory lung disease with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

77. Claims 21-24, drawn to method of treating inflammatory lung disease with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 12.

78. Claim 25, drawn to method of treating obesity and obesity related disease with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

79. Claim 25, drawn to method of treating obesity and obesity related disease with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

80. Claim 25, drawn to method of treating obesity and obesity related disease with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

81. Claim 25, drawn to method of treating obesity and obesity related disease with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

82. Claim 25, drawn to method of treating obesity and obesity related disease with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

83. Claim 25, drawn to method of treating obesity and obesity related disease with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

84. Claim 25, drawn to method of treating obesity and obesity related disease with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 13.

85. Claim 26, drawn to method of treating lupus with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

86. Claim 26, drawn to method of treating lupus with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

87. Claim 26, drawn to method of treating lupus with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

88. Claim 25, drawn to method of treating lupus with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

89. Claim 26, drawn to method of treating lupus with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

90. Claim 26, drawn to method of treating lupus with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

91. Claim 26, drawn to method of treating lupus with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 14.

92. Claims 27-28, drawn to method of treating cardiovascular disease with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

93. Claims 27-28, drawn to method of treating cardiovascular disease with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

94. Claims 27-28, drawn to method of treating cardiovascular disease with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

95. Claims 27-28, drawn to method of treating cardiovascular disease with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

94. Claims 27-28, drawn to method of treating cardiovascular disease with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

97. Claims 27-28, drawn to method of treating cardiovascular disease with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

98. Claims 27-28, drawn to method of treating cardiovascular disease with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 15.

99. Claims 1and 38, drawn to method of treating diabetes mellitus with a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 15.

100. Claims 1 and 38, drawn to method of diabetes mellitus with an antibody binding to one of RHAMM domains D1-D5, classified in class 424, subclass 130.1.

101. Claims 1 and 38, drawn to method of treating diabetes mellitus with a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 2.

102. Claims 1 and 38, drawn to method of treating diabetes mellitus with a gene expressing antisense RHAMM, classified in class 514, subclass 44.

103. Claims 1 and 38, drawn to method of treating diabetes mellitus with a gene expressing a polypeptide comprising BX7B peptide sequence, classified in class 514, subclass 44.

104. Claims 1 and 38, drawn to method of treating diabetes mellitus with a gene expressing an antibody binding to one of RHAMM domains D1-D5, classified in class 514, subclass 44.

105 Claims 1 and 38, drawn to method of treating diabetes mellitus with a gene expressing a polypeptide fragment comprising at least one of RHAMM domains D1-D5, classified in class 514, subclass 44.

SET 16.

106. Claims 29-33, drawn to an antibody binding to D1 domain of RHAMM, classified in class 530, subclass 387.1.

107. Claims 29-33, drawn to an antibody binding to D2 domain of RHAMM, classified in class 530, subclass 387.1.

108. Claims 29-33, drawn to an antibody binding to D3 domain of RHAMM, classified in class 530, subclass 387.1.

109. Claims 29-33, drawn to an antibody binding to D4 domain of RHAMM, classified in class 530, subclass 387.1.

110. Claims 29-33, drawn to an antibody binding to D5 domain of RHAMM, classified in class 530, subclass 387.1.

SET 17.

111. Claims 34, drawn to a polypeptide comprising all of domains D1, D2, D3, D4, or D5 of receptor for hyaluronan-mediated motility (RHAMM), classified in class 530, subclass, 300, and 514, subclass 2^+.

112. Claims 34-36, drawn to a polypeptide comprising a portion of domain D1, D2, D3, D4, *or* D5 of RHAMM, classified in class 530, subclass, 300, and 514, subclass 2^+.

Claim 1 is drawn to the treatment of the two different disease states using at least seven different agents ranging from peptides, to antibodies, to polynucleotides. The methods to treat those diseases comprise steps and end-points that are wholly different. The agents differ in structure and function and are therefore patently distinct, e.g., the polypeptide and the antibody that binds the polypeptide are both structurally and functionally distinct from each other (see the following statement). In total, claim 1 comprises 14 patentably distinct inventions as set forth above.

Invention of SET 16 and Invention of SET 17 are patentably distinct from one another because of the materially different structures of the compounds claimed. Invention of SET 17 (polypeptide) and Invention of SET 16 (antibody) are distinct from each other because of the materially different structures of the compounds claimed. Invention of SET 17 (polypeptide) and Invention of SET 16 (antibody) are distinct from each other because of the materially different structures of the compounds claimed. Although antibody is belong to a types of polypeptide, antibody is glycosylated and its tertiary structure is unique, where four subunits (2 light chains and 2 heavy chains) associate via disulfide bonds into a Y-shaped symmetric dimer. Thus, the macromolecule of each invention would be expected to exhibit different physical and biochemical properties, and are capable of separate manufacture or use.

The each of inventions of SETs 1-15 are directed to different and/or distinct methods for treating different disease states. Although there are no provisions under the section for "Relationship of Invention" in MPEP 806.05 for inventive groups that are directed to different methods, restriction is deemed to be proper between the methods of Inventions I-XII, since they constitute patentably distinct inventions comprising methodologies (pathological states), starting material, objectives, clinical or pharmacological considerations (e.g., dose, side-effect, toxicity

etc.), ingredients, endpoint or/and treatment outcome. Therefore, each method is patentably distinct.

The each inventions in SETs 1-15 are drawn to the treatment of a disease state using the different agents ranging from peptides, to antibodies, to polynucleotides which are distinct from one another because of the materially different structures of these biopolymers claimed that are expected to exhibit different physical and biochemical properties, and are capable of separate use. Therefore, the inventions in each SETs are patentably distinct.

Invention of SET 16 is related to the second group of each SETs 1-15 as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the antibodies can be used in surface plasma resonance technique in which the antibodies are immobilized on the chip-gold surface for detecting real time protein-protein interaction, for example.

Invention of SET 17 is also related to the third group of each SETs 1-15 as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the polypeptide can be used in proteinchip array to investigating a signal transduction pathway, for example.

Additional Election Under 35 USC 121

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed 37 C.F.R. 1.143). In the response, applicant is to indicate (1) the elected group and indicate (2) the further election as required below.

If the third Group from each SETs 1-15, or any Group from Set 16, or Group 112 is elected, applicant is required to elect one of domain D1, D2, D3, D4 or D5 of RHAMM since each segment of the domain is structurally distinct/different from one another, e.g. D4 and 5 contain different sizes of basic motifs while the others do not (see Assmann, V. et al (1999) *J. Cell Sci.* 112, 3934); thus, the raised antibodies against one of each segment of the domain has a

distinct pharmaceutical or therapeutic property and would result in different or distinct mode of therapy.

Likewise, if the second Group from each SETs 1-15 is elected, applicant is required to elect one antibody that binds to one of domain D1, D2, D3, D4 or D5 of RHAMM since each antibody recognized epitope residing in the each segment of the domain is structurally distinct/different from one another (see the statement *supra*); thus, the raised antibodies against one of each segment of the domain has a distinct pharmaceutical or therapeutic property and would result in different or distinct mode of therapy. The same is applied to the sixth Group and the seventh Group from each SETs 1-15.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is 703-306-3483. The examiner can normally be reached Monday-Friday 9:00 -5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Christopher Low can be reached on 703-308-2329. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-4242 for regular communications and 703-308-4242 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

Samuel W. Liu, Ph.D.
February 21, 2003

KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER